

Ellen L. Dabbs

Telephone (601)
664-2400
Facsimile (601) 664-2700
Cell (601) 201-8299
14 September 2011

Honorable Daniel P. Jordan III, District Judge
501 East Court Street, Suite 5.750
Jackson, MS 39201

My name is Ellen Dabbs. I am a CPA and Real Estate Developer in Brandon, MS. I am also the Aunt of James Smith (his wife is my niece). This letter is to share a side of James that you may not have had the opportunity to see during his recent trial, one which may help you determine that prison is an inappropriate sentence for him.

I will not belabor the points in the trial that demonstrated his character, that the prosecution's own witness testified that James is a man of integrity who is utterly honest, that James at no point "changed his story" but instead described exactly what he did, that James was following direct instructions from a superior officer and had no idea whatsoever that what he was doing was a criminal act, but instead believed it was a discretionary move by his superior, all of which is bolstered by the undisputed fact that no one has even alleged that James did this for any personal profit or gain of any kind.

I will instead tell you about the man I know. James Smith saved my niece and her oldest little girl, Hailey. In 2001, James married Kim Bridges Lack, my niece, who had been married to an abusive man who had gotten on drugs. After Kim, left that marriage with , she worked diligently to provide a safe home and decent life for Hailey. Later, when she married James, James made that family whole. He fought to adopt Hailey legally so she could feel safe in as a part of their new family. In doing so, he gave her a sense of security when all that little girl knew of men in the home was fear. James and Kim have since had two children, Jamie and Sam. Kim and the children are James' s life. Since she married James, our Kim has become strong and confident. She has truly found her way and we credit him for this. He not only saved a struggling family, he nurtured and supported it into the strong family it is today.

He did not do this alone. James and Kim have reared their children in the small community of Harrisville, where they are active members of the Harrisville Baptist Church. In Woodville, James's hometown, where they know him best, James has a sterling reputation for honesty, for living by a strict moral code, and for kindness. People turn to him regularly for help, and James spends his time and often his money supporting those in his community, from broken fences to grocery bills. James and Kim's three children who are 14, 9 and 6 years old, are learning to be good people by watching their parents.

Your Honor, if you sentence James to serve a prison sentence, you will be sentencing a man who has served the people of this state since 1997 as a highway patrolman without a single blemish on his record, whose integrity is impeccable (even by the Prosecutor's account), and who made a bad decision to obey the direct order of a superior. But more than that, you will be stripping a good family, a strong family of their father. He will not be able to support them financially. He will not be there to raise Hailey, Jamie and Sam. And, he will never be able to impart to his children the feeling of security that should come from a loving family.

This case has been brutal on this family. For the last 12 months, James has had to live alone in a trailer in south Louisiana, the only place he has been able to find work to support his family, as he could not work in the state of Mississippi. He saw his family only when it rained, as those were the only days the levee construction crew did not work. During this time, Kim has raised Hailey, Jamie and Sam functionally by herself and while she is trying her hardest to do so while working full time, the separation from their father has been incredibly hard on their marriage and on their children.

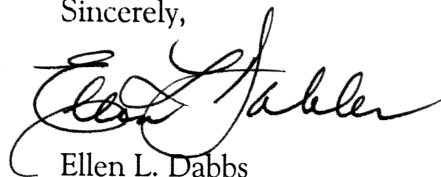
If the point of prison for non-violent crime is to separate people from those they love and support, to isolate them in order to punish them, then James has already been to prison for the last 16 months. If the point of prison for non-violent crime is to prevent recidivism, I believe even the prosecutors would agree that James poses no risk of repeating an offense.

I understand that there has been a lot of press coverage of this trial and the sentencing will no doubt receive press coverage as well. I simply ask you, what has society to gain from sending this man to jail, this man who is a loving husband, who is rearing three children, who is an integral part of his community, who is hardworking and has consistently financially supported his family, who is honest and who has been so very punished already?

I ask you to use your discretion to give James Smith a sentence that does not include a prison term.

Thank you for your time.

Sincerely,

A handwritten signature in black ink, appearing to read "Ellen L. Dabbs", written in a cursive style.

Ellen L. Dabbs

October 18, 2011

Honorable Daniel P. Jordan, III
United States District Judge
501 East Court Street, Suite 5.750
Jackson, MS 39201

Re: USA v. James Smith; Criminal Action No. 3:10cr53-DPJ-FKB

Dear Judge Jordan:

My name is Vickie Neely, and my husband, Keith, and I are friends of James Smith, the defendant. We were unable to attend James' trial last month, but we wanted to write to respectfully plead for leniency during his sentencing next month.

We came to know James when he began dating his wife, Kim. Our first impression of James was that he was a caring and compassionate man who loved his profession of being a Mississippi Highway Patrol Officer. He was very proud to serve the citizens of this state and did his job honorably while patrolling our highways. When James married Kim she was a single mother, and one of the first things he did as a step-dad was to adopt her daughter, Hayley. Later, Hayley asked James if she could change her last name to Smith because she found the love through James she never received from her biological father. Since that time, Kim and James have had two children of their own, a daughter, Jamie, and a son, Sam.

Until this matter arose, James and Kim provided a secure and happy home for their children. James is a very devoted husband and father to Kim and their children. The hardships caused to James and his family due to this matter remain today. Because James lost his position with the highway patrol, he was faced with finding new employment. That new employment has meant long weeks away from his family in Louisiana. However, James has been faithful to work to provide for his family even in the worst of circumstances.

We are confident that James is very remorseful for the events that lead to his indictment. We are also confident that truth was spoken by James at his trial. He and his family have paid and continue to pay daily for the acts that took place. The dark cloud of regret, embarrassment and uncertainty has taken its toll on his entire family. Kim misses her content and loving husband and his children miss their tender hearted and playful Dad.

We have faith that the right course of action will be considered by the Court and that justice will be given. Thank you for considering this request for leniency.

Respectfully yours,

A handwritten signature in cursive script that reads "Vickie Neely". The ink is dark and the signature is fluid, with a large, stylized 'V' at the beginning and a long, sweeping tail at the end.

Lt. Jim Jordan
200 Stoneybrook Drive
Brandon, MS 39042

14 October 2011

Judge Dan Jordan
501 East Court Street
Jackson, MS 39201

Dear Judge Jordan:

I am writing on behalf of my friend and former colleague, James Smith, whom you are scheduled to sentence in November. Because of James' character, the needs of his family, and the tax dollars at stake, I urge you to consider a lenient sentence for him.

I have known James Smith since the summer of 1993, when we entered the Mississippi Highway Patrol Academy together. The academy was rigorous and challenging, and James stood out as an uplifting, supportive presence, working hard and encouraging the rest of us to do the same.

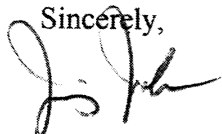
James and I remained friends after we graduated, and he continued to impress me as a hard worker, always willing to step up and cover an extra shift for the Patrol. We did additional part-time work together outside the Patrol, as well: for about a dozen years, as members of local union #589, we loaded trucks and built and broke down sets for the Jackson Coliseum and City Auditorium. The hours were long and the work was physically grueling; I eventually stopped this kind of work because of the physical toll it was taking on my back, but James continued, determined to earn extra money.

Over the years, James' motivations for taking on extra work became very clear: he wanted to take good care of his family, which is challenging on a Department of Public Safety salary. James has always talked proudly about his wife, Kim, and their three children, Haylee, Jaymee, and Sam. He has shared with me the enormous toll his current situation is taking on them, through no fault of their own.

I understand that our society is designed to makes people pay for their crimes, and James and I have both built careers anchored in criminal justice. He and I both know that he needs to pay, in some way, for what he has done. However, as taxpayers in today's economic climate, my family and I would not want our tax dollars to fund an extensive punishment for James. Further, the trends are troubling for children with an incarcerated father. U.S. taxpayers would be better served by James re-entering the workforce as quickly as possible, continuing to support his family, and making certain that his children do not repeat his mistakes.

For these reasons, I humbly encourage you to sentence James Smith with leniency. Thank you for reading this letter and for considering this request.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jim Jordan', with a stylized, cursive script.

Jim Jordan



October 14, 2011

Re: James Smith

To Whom It May Concern:

I've known James for about 6 years. I met him after Hurricane Katrina as this was the reason that I met and got to know him.

The MHSP realized through that disaster that they were not equipped to take care of their own officers while working in the conditions that followed Katrina. I helped MHSP with equipment repairs and also helped MHSP get a bunk trailer donated for their use in future disasters.

We became friends during this time and we've continued to that relationship to present.

I think James Smith is a very good man who has served his state well and needs every consideration in his sentencing.

Please feel free to call me if you have any questions.

Sincerely,

Percy L. Thornton

President

Southern States Utility Trailer Sales, Inc.

SOUTHERN STATES UTILITY TRAILER SALES, INC.

MEMPHIS, TENNESSEE

11505 Highway 178 - Olive Branch, MS 38654
OFFICE 662.895.2201 • FAX 662.895.2273

JACKSON, MISSISSIPPI - corporate

550 Highway 49 South • Jackson, MS 39218
OFFICE 601.939.9000 • FAX 601.932.7037

MONROE, LOUISIANA

7600 Highway 165 North • Monroe, LA 71203
OFFICE 318.324.8990 • FAX 318.324.8354

HAYLES

Towing and Recovery

October 17, 2011

Re: James Smith

To Whom It May Concern:

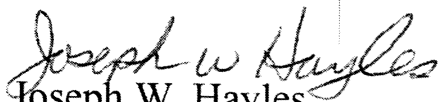
I met James Smith during the Katrina disaster relief effort. He contacted me about donating equipment and supplies to benefit the Highway Patrol officers. James was instrumental in setting up the MHSP portable kitchen and bunk facilities for the officers.

James and I became good friends during the disaster relief effort and continue to have an ongoing relationship. He has my complete trust.

James has worked tirelessly for the benefit of the citizens of the State of Mississippi and the benefit of the Highway Patrol Officers. Please take his years of service and his devotion to the state into consideration during your sentencing deliberations.

Please call if you have any questions or concerns.

Sincerely,


Joseph W. Hayles,
Member

1469 HWY 469 S
Harrisville, MS 39082
October 18, 2011

Honorable Daniel P. Jordan, III
U. S. District Judge
501 E. Court Street
Jackson, MS 39201

RE: James C. Smith

Dear Judge Jordan:

I am writing this letter in regards and on behalf of one of my best friends, James C. Smith, who will be sentenced in your courtroom November 14, 2011. I have known James since the summer of 2006, since then we have become very good companions. I consider James and his family as my own. Over the past 5 years, James has not only been a dear friend to me, but also to my own family.

I lost my father when I was ten years old, being around James and seeing how he treats his family and friends has made a positive impact in my life. I attribute many of my characteristics to James. He has shown me how to be a loving, devoted husband to my wife and a father to my son. For this I could never thank him enough.

Seeing the emotional stress and heartache that this situation has caused James and his family is very heartbreaking. Despite everything he and his family have gone through in the past two years, James has always conducted himself as the hard working provider and Christian man he is. James has always sacrificed for others and put others before himself.

I appreciate you taking the time to read this letter and hope you keep in mind the positive impact James C. Smith has portrayed in my life and many of those around him.

Sincerely,


Jeffrey Jay Bridges

The Honorable Daniel Jordan

Dear Judge Jordan, I have known James Smith for the past 15 years both as a friend and a co-worker. He has always been a hard worker for the Mississippi Highway Patrol and treated everyone with the respect and dignity that they deserve and as a friend he has always been there for them thru both the good and the bad times. James's life has always been in law enforcement and is a lot like me in not knowing how to do anything else, which is why this is already going to be hard for him to provide for his wife and three wonderful children.

I feel that James got caught up in a personal matter that was between Michael Berthea and Jody Rigby and for this he has been punished for something that has probably been going on for a long time before he got in the driver license's department. If you were to look at James file with the Highway Patrol you would see several letters of James leading both his district and the state in work enforcement along with other letters from the public for him in helping them on the highway's. I feel that James knows the mistake that was made in this event and that he has already lost so much just from it. I am asking for you to please be lenient in passing sentence on my friend for I do not feel that he has committed a hard crime that has hurt any one person nor did he take of any money from anyone but you're sentencing could hurt the lives of three young children and a very loving wife. Thank you for taking the time to read my letter.

Corporal Trent L Weeks Mississippi Highway Patrol



SIMPSON COUNTY, MISSISSIPPI

Curtis Skiffer
District One

Harvey Blakeney
District Two

Pete Lowery
District Three

Mickey Berry
District Four

Office of the

BOARD OF SUPERVISORS

*Post Office Box 308
Mendenhall, MS 39114
Telephone (601)847-1418 • Fax (601)847-7004*

Randy Moore
District Five

Danny Welch
Attorney for the Board

Rhuel P. Dickinson, Jr.
County Administrator

Tommy Joe Harvey
Chancery Clerk

October 18, 2011

Honorable Daniel P. Jordan III
U.S. District Judge
501 E. Court Street, Suite 5.750
Jackson, MS 39201

Dear Judge Jordan:

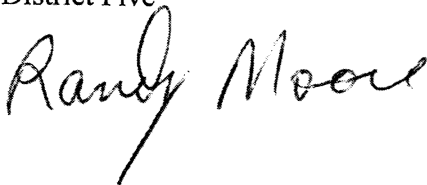
I write you on behalf of one of my constituents, who happens to be a close friend of mine, Mr. James Smith. I know James to be a man of his word who desires greatly to help those around him who may be in need. In no way would he ever be a threat to society.

For years James honorably served his community and continues to have young family he must provide for. I humbly ask that you give great consideration to his past record and current position. I hope you will provide a manner in which he can continue to provide for his family.

I will be more than happy to meet personally with you in order to give my personal recommendation of James.

Sincerely,

Randy Moore
Simpson County Board of Supervisors
District Five



1547 Jupiter Road
Braxton, MS 39044

October 17, 2011

Honorable Daniel P. Jordan III
U.S. District Judge
501 E. Court Street, Suite 5.750
Jackson, MS 39201

Dear Judge Jordan:

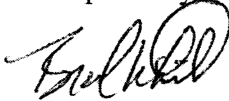
I write you on behalf of my friend James Smith. I have had the privilege of knowing James for some time now. In fact, he has been a neighbor to my family for many years. During all the time I have known James, he has proven himself to be exceptional individual. Always kind, courteous and willing to give aid to anyone who was in need.

With so many in today's world avoiding the workforce and failing to positively contribute to our society, much less take care of their own family, it is my hope that you will do all within your power to allow him to continue serving his community in the manner he has been trained to do so.

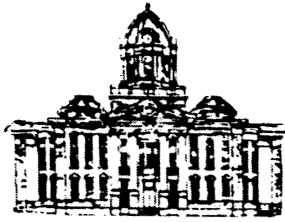
All who know him agree James poses no threat to those around him. Having no history of disruptive behavior of any degree, and having the obvious need of providing for his young family, I submit to you my most humble request that he be given every consideration in his quest to continue serving both his community and family.

Please know in advance your consideration is very much appreciated.

Respectfully,

A handwritten signature in black ink, appearing to read 'Brad White', with a stylized flourish at the end.

Brad White
Former Chairman,
MS Republican Party



Simpson County, Mississippi
BOARD OF SUPERVISORS
William A. "Pete" Lowery
Supervisor, District Three

October 17, 2011

Honorable Daniel P. Jordan III
U.S. District Judge
501 E. Court Street, Suite 5.750
Jackson, MS 39201

Dear Judge Jordan:

I am writing you on behalf of a very close, personal friend of mine, Mr. James Smith. I've known James for some time and can attest to his noble character and devotion not only to his family but to the many other people he comes in contact with daily.

It is my hope that you will find James, as I know him to be, not to be a threat to those around him. I do not lend my name without a great amount of prayerful consideration. However, I readily stand beside James as he fights to maintain the ability of providing for his family in the best manner he is trained to do.

Please consider this a personal recommendation for James Smith. I am confident he, if allowed to do so, will continue to be an asset to our community and a valid breadwinner for his wife and small kids.

I stand ready to answer any questions you may have or express my support in person should you deem it helpful.

Thank you for your time.

Sincerely,

A handwritten signature in black ink, reading "William A. 'Pete' Lowery". The signature is written in a cursive, flowing style with a large, prominent 'W' and 'L'.

William A. "Pete" Lowery
Simpson County Supervisor, District Three

Daniel P. Jordan III, District Judge
501 E. Court Street, Suite 5.750
Jackson, MS 39201

October 17, 2011

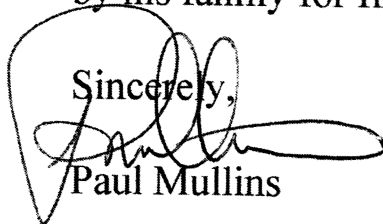
Subject: Recommendations for James Smith

Honorable Judge Daniel P. Jordan:

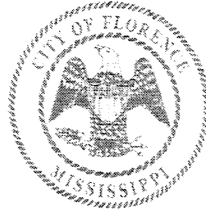
My name is Paul Mullins and I am a lieutenant for the Rankin County (Mississippi) Sheriff's Department. I would like to respectfully request your professional consideration on the disposition of James Smith case.

I have known James Smith for the past 15 years as a trooper in Rankin and Simpson Counties. James has always conducted himself in a professional manner and has always gone above and beyond the call in his service to the public and other law enforcement officers.

James Smith is a devoted father and husband and will be needed by his family for financial and family support.

Sincerely,

Paul Mullins

3327 Cato Road • Braxton, MS • 39044
Phone: 601-540-5381



CITY OF FLORENCE

P.O. Box 187

Florence, Mississippi 39073

601 845-2462

MAYOR

Bob Morris

Mayor Pro Tem

Pam Clark

ALDERPERSONS

John Helms

Kelley Martin

Bobbie Moudy

Larry Poynor

October 18, 2011

District Judge Daniel P. Jordan, III
501 East Court St.
Suite 5.750
Jackson, Ms. 39201

To Whom It May Concern:

I have known James Smith for twenty years and have always found him to be an exemplary highway patrolman. He was always willing to go the extra mile to help his fellow officers in the performance of their duties.

James has always been a wonderful public employee for the State of Mississippi, putting in many hours above and beyond the normal call of duty. His love for the Mississippi Highway Patrol was evident in all that he did.

James is one that I would not hesitate to call if I needed backup. I would always know that he was there and on my side.

Sincerely,

A handwritten signature in black ink, appearing to read "Bob Morris".

Mayor Bob Morris
City of Florence

To the Honorable Judge Daniel Jordan,

Judge Jordan,

I thank you for taking this letter under consideration on behalf of James C Smith.

I have known James for about 9 years not only as his personal insurance agent but as a friend. We have children around the same ages and have had many get together s at my home as well as his. I have also traveled with James on two occasions to Texas on hunting trips.

I also have tried to support him through this very difficult time of suspension from his job and Kim, Haylee, Jaymee, and Sam while he traveled for weeks at a time to Louisiana to make a living.

I personally believe that James has been caught in the middle of this investigation between his higher officials. I truly believe that James never profited from any of these counts charged against him.

In short, Judge Jordan I ask for you to excuse him from any sentencing that would take James away from Kim, Haley, Jamie, and Sam so that he can begin his new life away from law enforcement , and also if there were anyway at all to reinstate him to the Ms Highway Patrol , I feel certain this would be a benefit to the Department of Public Safety.

Thank you for your consideration,

J Chris Williams, LUTCF

Simpson County Farm Bureau Agency Manager

A handwritten signature in black ink, appearing to read "J Chris Williams". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

October 18, 2011

*Hon, Daniel Jordan, III
U.S. District Court
Jackson, MS*

RE: James Smith sentencing

Dear Judge Jordan:

As a local law enforcement officer for the past 24 years I have known James Smith as a MS Highway Patrol Trooper for the Central MS District. He is respected as an honest and dependable person in law enforcement. James Smith has been known to go above and beyond his duties as a trooper.

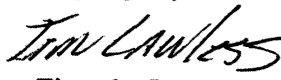
James Smith is a devoted family man. He is married and has three children who depend on him for their support, monetarily as well as parental. In these difficult financial times both parents are needed to just make ends meet.

James Smith is well known in his community where he is an active member of the Harrisville Baptist Church.

I ask you to please be compassionate when sentencing James Smith.

Please feel free to contact me at 601-824-7124 if you have any questions.

Respectfully,


Timothy Lawless

Honorable Judge David P. Jordan III
U.S. District Court
Jackson, MS

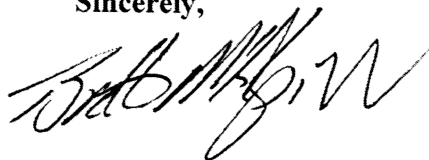
Re: James Smith Sentencing

Judge Jordan:

I am writing you to express my concerns for a close friend James Smith. It has been brought to my attention that he will be appearing before you. I have known James for approximately 13 years. James was instrumental in my decision to begin a career in law enforcement. I have always known James to uphold strong moral and ethical standards in both his private and personal life. When a trooper in Simpson County James often received complaints for doing his job the way it should be done. I admired Smith for his work ethic and drive to make a difference instead just doing what he had to do to get by. James has always taken the time to assist me when I had questions about work and even personal advice.

It was really hard hearing what had happened to James knowing he lost his career. Not only his career but the impact it has had on his family and friends in the community. James has been and is a great dad to his kids and a well respected friend to those of us not only in the Harrisville community but Simpson and Rankin County. It has always been nice knowing if you needed help there was never a question James was coming, he still does. I sincerely hope you will consider the concerns of those of us who care about and depend on our friend.

Sincerely,

A handwritten signature in black ink, appearing to read "Brett McAlpin", written in a cursive style.

Brett McAlpin

3243 Simpson Hwy 149
Braxton, MS 39044
October 17, 2011

Honorable Daniel P. Jordan, III
U. S. District Judge
501 E Court Street
Jackson, MS 39201

RE: James Smith

Dear Judge Jordan:

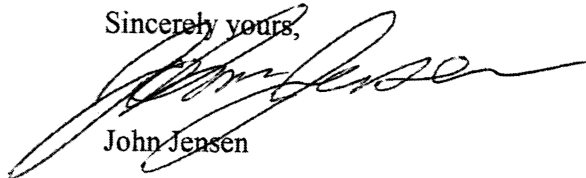
I am writing this letter on behalf of James Smith who will be sentenced in your court on November 14, 2011. I met James and his family several years ago after I began raising cattle in the Harrisville area.

I have always known James to be a hard worker, but most importantly a family man. James and his wife, Kim, have three precious children whom adore their father. I am especially close to James' son, Sam, who is six years old. Sam loves to ride the tractor with me and I never have any problems with him because of the way his parents have raised him. James' daughters, Haley and Jamie are also good kids due to the influence their father has had on them.

James is not only a family man, but he is a good friend to many in the community. He is always there with a helping hand if you need anything. I have the upmost respect for him and would humbly ask the court to please take these things into consideration when you are sentencing him.

Thank you for taking the time to read my letter and ask that the court allow James to remain free so that he can continue to raise his family.

Sincerely yours,

A handwritten signature in black ink, appearing to read "John Jensen", written over the typed name.

John Jensen

Daniel P. Jordan III, District Judge
501 E. Court Street, Suite 5.750
Jackson, MS 39201

October 17, 2011

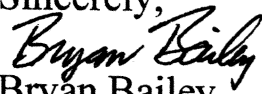
Subject: Recommendations for James Smith

Honorable Judge Daniel P. Jordan:

My name is Bryan Bailey and I am undersheriff for the Rankin County (Mississippi) Sheriff's Department. I would like to respectfully request your professional consideration on the disposition of James Smith case.

I have known James Smith for the past 10 years as a trooper in Rankin and Simpson Counties. James has always conducted himself in a professional manner and has always gone above and beyond the call in his service to the public and other law enforcement officers.

James Smith is a devoted father and husband and will be needed by his family for financial and family support.

Sincerely,

Bryan Bailey

518 Wildberry Drive • Pearl, MS • 39208
Phone: 601-932-6989

123 Leming Road
Braxton, MS 39044
September 19, 2011

The Honorable Judge Jordan:

This is to advise that I am a resident of Simpson County, and have been for the past eighty years. I have known James Smith for approximately ten or eleven years and would like to respectfully advise you of some of the things that I personally know about him.

In 2003 I suffered a severe heart attack and could not get the county 911 system to assist me in getting medical assistance. When James heard about this he came to my house and advised me that in the future I could call on him and he would personally see that I got the help that I needed. Since that day he has come to my aid many times.

James is a good family man and he, and his entire family, are good neighbors and good friends to everyone. I have always found him to be honest, truthful and of the highest integrity. He is always ready to offer a helping hand whenever, and to whomever is in need. He is an asset and highly respected member of our community.

Respectfully submitted,

A handwritten signature in cursive script that reads "Howard Wayne Leming". The signature is written in black ink and is positioned above the printed name.

Howard Wayne Leming

BOBBY JINDAL
Governor



JAMES M. Le BLANC
Secretary

State of Louisiana

Department of Public Safety and Corrections
Louisiana State Penitentiary

September 23, 2011

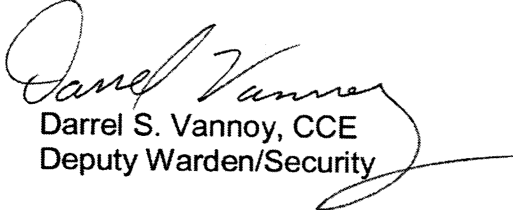
The Honorable Judge Daniel P. Jordan, III
501 E. Court Street, Suite 5.750
Jackson, MS 39201

Dear Judge Jordan:

My name is Darrel Vannoy and I am the Deputy Warden/Security at Louisiana State Penitentiary at Angola, Louisiana, where I have been employed for 30+ years. I am writing to you regarding James Smith, who was recently convicted in your court. Mr. Smith is a former Mississippi Highway Patrolman and a former Correctional Officer at Louisiana State Penitentiary. I have known James and his family since James' early childhood.

Unfortunately, James placed himself in the position he's in; however, he is a good, honorable man who made a mistake. I am asking that you please consider leniency when considering his sentence. Incarceration would not serve any justice in this instance. Would you please consider a sentence of probation and a strong fine for his offense? James is remorseful for his wrongdoings and can be and has been a productive member of society.

Thank you for taking the time to read my letter and thank you for considering this request.


Darrel S. Vannoy, CCE
Deputy Warden/Security

Dear Judge Jordan,

I am writing you on behalf of James Smith. James' wife Kim has been an employee of mine for approximately 13 years. I have known James since their marriage some 10 years ago. James has been a loving and devoted husband and father to his wife and 3 children. Jamee and Sam are his biological children with Kim and Haylee is his adopted daughter from Kim's previous marriage. James adopted Haylee at her request. This should be a testament to James' love for his children and wife.

As long as I have know James, he has been a hard working, honest man. He would do anything to help me. As you know, most people do not have a deep appreciation for Highway patrolmen, but after knowing James, I better understand the difficulty and danger of being in the patrol. I truly believe from knowing James that he would never do anything to discredit his name or the patrol unless he was ordered by a superior officer.

I know I don't know all the details in the case but I truly believe that James is only guilty of doing what he was told to do. And as a sidebar, I feel this family has been punished enough since James was put on leave immediately after charges were filed. So now you have a man with no job, trying to find any work possible in a terrible economy. He finally finds work in Louisiana driving a dump truck 7 days a week not seeing his family for weeks on end. As a result, Kim is trying to shuffle 3 kids, work, and a household basically by herself. All the while not knowing what is going to happen to her husband or family.

Judge, I know you have a job to do, but I strongly feel James is caught up in some powerstruggle between his superiors. Judge, don't let the ambition of others bring down an honest man who has served faithfully for many years.

Sincerely,



Thomas R. Byrd DMD

October 6, 2011

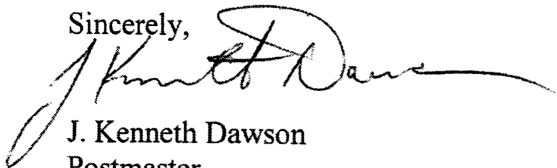
Postmaster J. Kenneth Dawson
P.O. Box 204
Harrisville, MS. 39082

Honorable Judge Daniel P. Jordan
U.S. District Court
Southern District
501 East Court Street Suite 5.750
Jackson, MS. 39201

Dear Judge Jordan,

I have known Mr. James Smith since July of 1998, when I was Postmaster of D'Lo, Mississippi. In the year 2000, James married and started a family in the Harrisville area. I became the Postmaster of Harrisville, MS in 2001. I have been a part of the community where James has lived almost since he came to central Mississippi. In all of the thirteen or so years of my knowing James, he has always conducted himself as a proper official of the government. Not at any time have I known him to be dishonest or try to personally gain from his position. James has always had the heart of a public servant and without question has only tried to help people. He is a great family man and an asset to this small community. Favorable consideration of James is requested and would be greatly appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Kenneth Dawson", written over a horizontal line.

J. Kenneth Dawson
Postmaster
Harrisville, MS. 39082



FMCH-Catchings Clinic

Robert L. Lewis, M.D.
451 Bank Street
PO Box 520
Woodville, MS 39669

Telephone 601.888.3174
Fax 601.888.3685
N828BC@aol.com

September 21, 2011

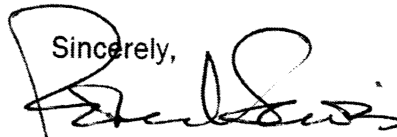
The Honorable Daniel P. Jordan, III
United States District Court for the Southern District of Mississippi
501 E. Court Street, Suite 5.750
Jackson, MS 39201

Re: James Smith

Judge Jordan,

I have been asked to write this letter in the case of Mr. Smith in the pre-sentencing phase as a character reference. I have known Mr. Smith's parents and entire family since I was a child in the 1960's. His brothers and sisters, like he, were raised in a strict manner with high expectations, and as his primary care physician for many years, I never knew first hand or even heard any rumors of less than exemplary behavior. I would gladly employ him to this day had I the appropriate job to offer. I do not know the details of his current conviction, but I ask that you consider this information in your judgment.

Sincerely,



Robert L. Lewis

STATE OF MISSISSIPPI

RONNIE L. HARPER

DISTRICT ATTORNEY

P. O. BOX 1148

NATCHEZ, MISSISSIPPI 39121-1148

TELEPHONE 601-445-4099

FACSIMILE 601-445-7947

E-MAIL: rlharper@cableone.net

SHERI SIMMONS
Office Manager

KEITH FUTRELL
Director
Bad Check Unit
Telephone 601-445-7914

LINDA S. FUTRELL
Victim Assistance Coordinator
Telephone 601-445-7937

DAVID W. HALL
Assistant District Attorney

DEBRA W. BLACKWELL
Assistant District Attorney

WALTER J. BROWN
Assistant District Attorney

THOMAS GRENNELL
Investigator

October 7, 2011

Hon. Daniel P. Jordan, III
United States District Court for the Southern District of Mississippi
501 E. Court Street, Suite 5.750
Jackson, MS 39201

Re: Sentencing of James Smith

Dear Judge Jordan:

I am writing this letter to request consideration of leniency for the above named, James Smith. I have had the privilege of knowing Mr. Smith and his family for many years. His father served honorably for over thirty (30) years as our Circuit Clerk in Wilkinson County, where his brother currently serves with distinction as a Justice Court Judge.

For several years, I worked directly with James himself, first as a local policeman and subsequently as a patrolman with the Mississippi Highway Patrol. During that time, I found James to be an honorable, truthful, and diligent officer who always worked his cases with the utmost respect for the Court and the process.

I am not writing in any way to condone or minimize the acts for which he has been convicted. I do believe him basically to be a good person who understands and respects the law. I also believe that his future actions would serve as evidence of this.

With kindest regards, I am

Sincerely yours,



Ronnie L. Harper



EDWARD C. WALKER
CIRCUIT CLERK OF ADAMS COUNTY

P.O. BOX 1224
NATCHEZ, MISSISSIPPI 39121-1224

PHONE: 601-446-6326
FAX: 601-445-7955

www.adamscountymiss.gov

October 14, 2011

Hon. Daniel Jordan

In re: James Smith

Dear Judge Jordan,

I have had the pleasure of knowing James Smith for many years. I met him at the time that he became a Natchez Police Officer and worked with him afterwards on criminal cases in which he was involved. After James was hired by the Mississippi Highway Patrol, my contact with him was not as frequent, however, our friendship remains and continues.

I worked with James' father, Sam, now retired, who was a long time Circuit Clerk of Wilkinson County. I have also worked with James' brother Ernie who is about to begin his fifth or sixth term as Justice Court Judge in Wilkinson County. I also know James' mother, Inez who was a regular fixture at the Wilkinson County Courthouse. I know the Smith family to be of high moral character and gold standards.

Before being elected to the office of Circuit Clerk of Adams County, I was Criminal Investigator for the Sixth Judicial District Attorney's Office for over 28 years. Wilkinson County is one of the counties in the Sixth Judicial District. My working with the three Smith men was somewhat close and not indirect. I am proud to be their friend.

I know James Smith to be a good, trustworthy and honest. I have no doubt that James is repentant, hurt and embarrassed at what he has endured. His embarrassment is for the burden of shame that he feels he has put his family through. I ask for your consideration in your imposition of sentence. I respectfully ask that your sentence be one of great lenience and that you allow James to continue his life as best as he can in a different vocation. James will bear the weight of shame for this act for the rest of his life. He has lost his livelihood and love of law enforcement forever.

I am not aware of any of the circumstances or facts about James' case and I do not condone the act for which he was convicted, but in the same light, I do not condemn him. If time would allow reversal, I believe without question that James would refrain from this and any other related actions.

Pg. 2

October 14, 2011

I thank you for the opportunity to offer my expressions and again ask you for mercy on behalf of my friend James Smith.

Sincerely,

A handwritten signature in cursive script that reads "Edward C. Walker". The signature is fluid and written in dark ink.

Edward C. Walker
Circuit Clerk



STATE OF MISSISSIPPI
WILKINSON COUNTY

October 7, 2011

HOLMES STURGEON
COUNTY ATTORNEY

P. O. BOX 1175
WOODVILLE, MISS. 39669
601-888-6152

PERSONAL

Honorable Daniel P. Jordan, III
501 E. Court Street, Suite 5.750
Jackson, Miss. 39201

Re.: James Smith

Dear Judge Jordan:

I am writing this letter on behalf of and in support of James Smith, who is presently, as I understand it, a convicted Defendant in your Court awaiting sentencing:

Judge, by way of introduction, I am an attorney with offices in Woodville and Natchez, Mississippi and I have served as the County Prosecuting Attorney in Wilkinson County Mississippi, James Smith's native county, for over twenty-two years now. My father, who was my law partner, died in December of 2010 and had served our area around Natchez, Mississippi as the District Attorney for many years on his retirement in 1996.

My family and I personally have known James and his family for many generations. During the time my father served as District Attorney, James's father, Mr. Samuel Smith, served as Circuit Court Clerk for Wilkinson County, a position I believe he held from about 1968 until his

retirement in 1992. Mr. Smith and my mother graduated from High School together here in Woodville 60 years ago this year. He was a diligent clerk and well respected in this community.

On a more personal basis, I want to say that I have personally known James as long as I can remember. He was one year behind me in school and literally was the quintessential "milk and cookie" excellently well behaved young man as long and as far back as I can remember. The teachers at the school loved him and if any of our old-time teachers from grade school were still around, I am sure they would write him a glowing report. I don't know if he was always a straight A student, but he was the kind of young man who was very helpful to the teachers and principals and always running errands for them in a very cheerful manner.

If I remember correctly, for many years James was the kid at school responsible for raising the American Flag out front every morning and lowering it every afternoon, a job I specifically remember him taking very seriously. I remember a number of times when rain began and he jumped up and ran out into the parking lot to bring down the flag so it wouldn't get wet. I also particularly remember him showing me, one afternoon when we were teenagers, the proper way to fold a flag, a lesson I never completely learned, I am afraid!

James and I participated in sports together. He played on the football team with me, being a year younger. He was truly a an A-class sportsman and I never saw him loose his temper or do anything at all out of line and I was always proud to be on the same team with him.

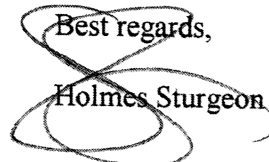
James was a pillar, even as a child, with our local Baptist Church, and, unlike many young boys, lived his life with that in the forefront.

It is very difficult for me to believe or to even understand how or why he would ever have become involved in a matter like this. Knowing James as I do, I feel confident that he must have at some point felt that for someone or for some purpose he was doing the right thing. As we all know, sometimes the right thing as we as individuals "feel" it should be and the right thing as the law defines it can be two completely different things.

Yet we all know ignorance of the law is never an excuse. James was always such a true servant and always followed orders to the letter. Nonetheless, I have faith in our Court Systems as I am sure even James still does. He is a truly good citizen, Judge, and I hope you will take my comments into consideration when you pass sentence. He is too good of a citizen for us to lose in this country when there are so many people who may never be punished who are so much worse. We need people like James Smith back in our society and not lost from our community. I certainly hate this had to happen

I hope these words and comments are some benefit to you in passing sentence. Please call me anytime, day or night, and I will be happy to provide much more insight.

Thank you, Judge, so much, for your time.

Best regards,

Holmes Sturgeon

Honorable Judge Jordan,

My name is Kim Smith; I am married to Lt. James Smith. He was employed with the Mississippi Highway Patrol for fourteen years. On May 20, 2010 he was indicted for falsifying five documents. I was at my father's home because he was recuperating from open-heart surgery when I got the call. The following day we were to leave to go out of town to my nephew's wedding, which my two youngest children were in. There is no way to describe the weekend.

Initially the Federal Probation officers came to our home for a home inspection. They required us to remove every gun from our home including our son's, which he just received for his birthday. The probation officer asks me at the time he was in my home "Who did your husband piss off because I have never seen anything like this before." I felt much better knowing the situation was skeptical. .

Three years prior to the indictment James was called into Col. Michael Berthey's office, which was head of the Highway Patrol. During this meeting Col. Berthey stated that he had heard James had been talking about him. James then tried to talk to him and he was told "I do not give a XXXX about your family, I will have your job one day". He said this in front of James' superior Lt. Col. Jody Rigby. This was the first verbal attack.

On March 13, 2009 which was ironically my birthday, James was interrogated by investigator Walter Davis a detective with MHP for around eight hours. The meeting began right after lunch and James came home around nine that night. James was moved out of his office in Driver's Services and placed driving a van with supplies to drivers license departments statewide. Col.. Berthey would laugh in meetings and call him "His one man in a van."

After the indictment he was suspended without pay. It was difficult to find work. He found construction work in Louisiana. He worked seven days a week, twelve hours a day and only came home when it rained or if he had a meeting with his attorney. I became a single mom raising three kids while working a full time job.

We received several calls from Mississippi Highway Patrolmen who have been on the force for many years. They each expressed how this was nothing more than a witch hunt from Michael Berthey. We were also told that Commissioner Steve Simpson went to see Harold Britton and asked if this could be handled internally due to him knowing nothing about the indictment until after it was handed down. He was turned down.

Our oldest daughter Haylee is fourteen. James came into her life when she was three. When she was eight she asked James to adopt her because she wanted the same last name as her daddy. She was ten when her biological father consented to her adoption. She is old enough to know what has been happening over the past few years. James has missed all her ballgames, which she is a cheerleader. She has had to sacrifice a lot to help me at home. She has been asked a lot of questions about her daddy being taken off the force. I am thankful for the involvement in our church youth group. They offer her support and a release of how she is feeling without upsetting us. I know it is hard on her.

Jaymee is nine and very much a "daddy's girl". Since all this she has become very quiet. She did not understand why her daddy had to be gone all the time to work and miss all her activities. Her teachers have overheard her telling her friends she doesn't want her daddy to go to jail. I appreciate their efforts to help her cope during this. She has an

MARK S. SCARBOROUGH
MAYOR
601-932-1256

ALDERMEN

CLAY BURNS
ROBERT CRAFT
PAT SULLIVAN
BOB WEDGEWORTH
CATHEY WYNNE



CITY OF RICHLAND

P. O. BOX 180609
RICHLAND, MS 39218
601-932-3000 • FAX 601-939-5284

MELINDA QUICK, CMCC
CITY CLERK
601-420-1540

COMMUNITY DEVELOPMENT
601-420-1610
STREET DIVISION
601-420-1600
WATER/SEWER DIVISION
601-939-5234

Date: October 20, 2011

To: Honorable Judge Daniel Jordan III

From: Jim McClendon, City of Richland Fire Marshal

This letter is being written on behalf of James Smith, asking for leniency from your court, for a longtime family friend.

Many things could be said about James in hopes of obtaining a lighter sentence, what I say about James is what I know to be true.

James is without a doubt a truly devoted family man whom adores his wife and his children. Several years ago James without hesitation, adopted another man's child and has loved and provided for her as he done for his own biological children. He has been active in his church as well as his community.

Kim Smith, wife of James, has been my wife's closet friend since childhood. Several years ago Ms Smith confided in us that James was threatened by his superior, Michael Berthay, that he would have James's job. We were told there was a personality conflict and that James, as well as others, were the target of what was an obvious witch hunt. I personally know that the Smith's lived in fear of what James's superiors might do to him, and what effect it would have on his career and unblemished reputation with the Mississippi Highway Patrol.

After James was indicted and placed on suspension, without pay, Kim spent many hours in my home confiding in my wife. Fear of how they would survive if James was convicted, the children not understanding why their dad might go to jail, and the endless tears from the children at the thought of their dad not being there.

James, having to continue to provide for his family, took a job out of state driving a water truck on a levee project. The hours were 12 per day, 7 days per week. There were no days off to return home to family unless the weather was too bad to work. James occasionally was able to drive home, see his family for a few hours, and then return. These times were few and far between. This took a huge emotional toll on James, Kim, and the children. I

MARK S. SCARBOROUGH
MAYOR
601-932-1256

ALDERMEN

CLAY BURNS
ROBERT CRAFT
PAT SULLIVAN
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601-939-5234

witnessed sadness and depression from all members of the family, but James being the man that he is, did what was necessary to provide. I admire him for his sacrifices.

Attending James's trial it was obvious to me that James was completely honest and cooperative. I took from all testimony that everything James did was on order from a superior or in an effort to help individuals who had received unwarranted suspensions because of glitches in the MHP's computer system. He did what was necessary to right these wrongs. There were obviously no malicious acts or intentional breaking of the law on James's part. He was simply doing what he was told by a superior, or doing what he could to help citizens that were wronged by an obviously faulty computer system. There was testimony that these problems still exist today.

With this chapter of Mr. Smith's life being closed, (his career with the MHP), he must now start over. His options will be limited because of what has transpired. I believe he was treated unfairly by his superiors, singled out, targeted, and was the obvious victim in this case.

I, Jim McClendon, do personally ask for leniency from your court in the sentencing of James Smith as I believe he has already paid in full.

Sincerely,

Jim McClendon

2461 Simpson Highway 469
Florence, Mississippi 39073
October 25, 2011



The Honorable Judge Dan Jordan:

Our family are lifetime residents of Simpson County, Mississippi. We have know James Smith a number of years and would like to share some of the things we personally know about him.

The State Highway 469 our family resides on is a two lane highway with a 55 MPH speed limit. A number of drivers ignore the speed limit and drive at a high rate of speed. We asked Patrolman Smith what could be done to slow traffic in the area. Many days on his way home from work he backed his patrol car in an abandoned driveway on our property. Numerous speeding vehicles were stopped each occasion. As citizens became aware the highway was being monitored the drivers slowed their speed. It was helpful to area residents to have safer speeds driven.

Mr. Smith and his family are members of Harrisville Baptist Church and good neighbors to the entire community. The community felt safer when he was an active patrolman. It is a loss for the area that he is no longer patrolling . The vehicles apparently feel free to drive as fast as they choose to.

Respectfully submitted,



J.P. and Betty Dear

Eric and Karin Dear
2437 Simpson Hwy 469
Florence, Ms. 39073

October 12, 2011

To: Judge Dan Jordan

We are writing this letter to express our concern for James Smith. James and his family have been friends of ours for many years. Words cannot express our sadness for the way he has been treated after his many years of service to the State of Mississippi.

James is a good family man with a wife and three children. He has always been well respected in our church and community. We can call on him anytime – day or night. Putting others first is a common trait for James.

Living in Simpson County, our community felt protected while he served as a Mississippi Highway Patrolman. We have two teenage daughters and have concerns about the speeding traffic on Hwy 469. It was comforting to know that James was patrolling our road when our children were driving.

If doing your job and obeying orders costs you your job, it is a sad day for the people of our state. James, his wife, and children have suffered enough over the last year and a half. It would be a travesty for him to serve any prison time after the way he has served others. Please help us find faith in our judicial system and allow James and his family to try and return to a normal life again.... he deserves that.

Respectfully,

Karin Dear, 

Eric and Karin Dear

T&T Sales & Service, Inc.
2982 Simpson Hwy 49
Mendenhall, MS 39114

October 25, 2011

To whom it may concern in the matter of sentencing James C Smith:

Me, my family and friends have known and respected James for over eleven years. I feel like if you were to take the time to spend with him and his family you would become very fond of him. I am asking that you take his life as a whole, and think of the good we can gain from him staying a free man. His family needs him so they can learn and he may provide for them. I am just a simple self employed businessman. I am just asking you to be thoughtful of your decision of this matter during these burdened times.

Please feel free to contact me.

Thank you for your consideration,

A handwritten signature in black ink, appearing to read 'Al Trinkner', with a long horizontal flourish extending to the right.

Al Trinkner
(601) 906-9879 cell
(601) 847-0690 office



Harrisville Baptist Church

Post Office Box 308 • Highway 469

Harrisville, Mississippi 39082

(601) 847-1593

Dr. David E. Sartin, Pastor



November 2, 2011

TO WHOM IT MAY CONCERN:

It is an honor and a privilege to write this letter on behalf of James Smith. James is a family man who enjoys spending time with those he loves. He puts his families needs above those of his own. He is a man of high moral qualities and displays the characteristics of honesty, respect and integrity. He is a hard worker and has instilled this in his children. He is not afraid to stand up for what is right according to the laws established by God and our government. It is indeed a great honor to be associated with someone of his caliber.

Sincerely,

David E. Sartin, D.Min.





HARRISVILLE UNITED METHODIST CHURCH

POST OFFICE BOX 158
HARRISVILLE, MS 39082
Church (601) 847-2289

November 1, 2011

To Whom It May Concern,

This letter is written to those concerned with Mr. James Smith and his upcoming sentencing. We fully support James and ask for leniency and mercy to be shown to him. James has been a vital part of the Harrisville community for many years. He and his family are always available and offer help and assistance when needed. Although they are not part of our congregation, James has been the spirit head of his household, an important member of God's community, and a leader in the congregation to which he belongs.

We know that James has asked for forgiveness for his wrongs and that GOD has granted him that forgiveness. We claim the mercy the prophet Ezra asked for in 9:15 where he admitted that if GOD gave his people the mercy they deserve; they would not be able to stand before him. How fortunate we, as people of GOD are that He gives us mercy and grace.

We feel that James has been punished enough for his wrongdoings through the loss of his job, the loss of any future employment in the industry in which he has devoted his life, and the loss of the retirement he had counted on in the future. We ask that James and his family not be punished further by the loss of the husband, father, and friend through a time spent in the prison system. If any punishment must be dealt, we ask that those making this decision please consider community service. By performing service to others, James would be able to be a part of his family, a good friend to those who love and care for him, and the community in which he lives.

As a congregation we have kept the Smith family in our thoughts and prayers during this ordeal. We know that this has been hard on the entire family. If James is taken away from his family and sent to prison not only will he suffer. His children – Haylee, Jaymee, and Sam – along with his wife, Kim will suffer. Please do not make this family suffer more anguish and hurt than they already have. James has paid a high enough price for his wrongdoings.

Sincerely,

The congregation of Harrisville United Methodist Church

11/08/11

To: The Honorable Judge Dan Jordan

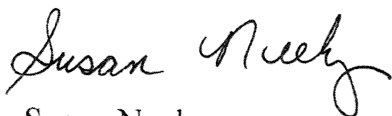
From: Susan Neely, President of Harrisville Lions Club

Regarding: Officer James Smith

Dear Judge Jordan:

I am writing this letter as a testament to the character of my neighbor, James Smith. I am a lifelong resident of Harrisville, Ms and as Mr. Smiths neighbor, I can attest to you that he is an active member of the Harrisville community, attending Harrisville Baptist Church and also a little league baseball coach. We feel fortunate to have such a fine person in our community, and we have been devastated by the charges alleged against him. Thank you for your concern in this matter and it is my hope and prayer that this matter will be resolved and that James will be cleared of any wrong doing.

Sincerely,

A handwritten signature in cursive script that reads "Susan Neely". The signature is written in dark ink and is positioned above the printed name.

Susan Neely

The Honorable Dan Jordan.

Nov. 6, 2011

I am writing to you concerning the sentencing of James Smith on Nov. 14, 2011.

My name is Danny Williams and I have been driving for UPS for 40 years. I have known James for 10 years since he's been married to Kim. I have the privilege to teach his children in church and am currently teaching a class with Kim on Wednesday night. I have seen how much James loves his children by talking to him and listening to them talk about him. They love and need each other.

I am asking you for mercy when dealing with James' sentencing and that you not take him away from his family. I do not envy your position as a judge and cannot imagine the decisions you have to make. I am asking you to have mercy on James and give him a second chance. Thank you.

Danny Williams
288 Hawkins Rd.
Braxton, Mo. 39044
601-841-4813 C. 601-204-9625

Honorable Daniel P. Jordan, III
United States District Judge
501 East Court Street, Suite 5.750
Jackson, MS 39201

Re: USA v. James Smith; Criminal Action No. 3:10cr53-DPJ-FKB

Dear Judge Jordan,

I am writing on behalf of James Smith. I met James ten years ago when he married Kim. Kim is the sister of my sister-in-law, & I have known their family for over thirty years. I am proud to have him as a member of my extended family.

One memory I shall never forget about James is the last day of his trial after the verdict. This gentle giant of a man with tears in his eyes, embraced his attorney & with pain in his voice said, "But I told the truth!" This is who James is, an honest man with a tender heart.

James is and has always been a man of integrity, even in a crooked & perverse working environment. The reason he finds himself in this situation is because he did not conform; therefore opposing the wrong people. The past four years of James's life reminds me of the account of Saul and David in I Samuel. Saul pursued David, seeking his life because David acted wisely and Saul feared him. David asked on several occasions, "What have I done?" The intent of this situation is to defraud the man, James Smith. James has stood firm and remained a man of strong moral character.

I beg you to have leniency and take into account the mental and emotional turmoil James and his family have experienced the past four years along with the financial burden they have had to bear. May you "seek wisdom to temper justice with compassion." I am praying for you that the God of justice and mercy will grant you wisdom and discernment as you make this decision. May truth prevail.

Sincerely,



Regina Morris
400 Burnham Rd
Brandon, MS 39042
601-939-1974